

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Core Communications, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. EB-01-MD-007
)	
Verizon Maryland Inc.,)	
)	
Defendant.)	
)	

ORDER

Adopted: September 8, 2004

Released: September 14, 2004

By the Commission:

1. In this Order, we deny the parties' joint motion to vacate¹ the Commission's *Liability Order*,² which granted in part a formal complaint filed by Core Communications, Inc. ("Core") against Verizon Maryland Inc. ("Verizon") pursuant to section 208 of the Communications Act of 1934, as amended ("Act").³ The parties have asked that we vacate our decision because they have now settled their dispute, but the mere fact of settlement does not provide grounds for vacatur. Moreover, we find no basis to justify abandoning the precedent established in the *Liability Order*. Therefore, we deny the Vacatur Motion for the same reasons we made clear very recently in *Starpower Communications v. Verizon South*,⁴ a case on all fours with this one. As we said in *Starpower*: Although we strongly encourage

¹ Joint Motion for Vacatur, File No. EB-01-MD-007 (filed June 2, 2004) ("Vacatur Motion").

² *Core Communications, Inc. v. Verizon Maryland Inc.*, Memorandum Opinion and Order, 18 FCC Rcd 7962 (2003) ("*Liability Order*").

³ 47 U.S.C. § 208. See *Liability Order*, 18 FCC Rcd at 7962, ¶ 1.

⁴ *Starpower Communications, LLC v. Verizon South Inc.*, Memorandum Opinion and Order, FCC No. 04-102, 2004 WL 840858 (rel. Apr. 16, 2004).

the parties to settle their disputes, “parties should endeavor to settle such disputes before the Commission spends time and resources to decide them, not after.”⁵

2. ACCORDINGLY, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208, of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 208, that the Vacatur Motion IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁵ *Starpower Communications v. Verizon* at ¶ 7.